

### **REMARKS**

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

#### **Status of the Claims**

Claims 1-20 were rejected.

Claims 1-8 and 13-17 have been amended.

No new matter has been added.

Claims 1-20 are currently pending.

#### **Objection to the Specification**

The specification is objected to for failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner asserts that there is no support in the original specification for the recitation of the term “integrated,” introduced to independent claims 1 and 3 in response to the October 1, 2008 Office Action. Applicants respectfully disagree.

First, the term “integrated” is expressly used in the specification. *See* Specification, ¶[0071] (“The front waist fabric portion and the hip fabric portion are ***not configured separately but are integrated*** to constitute a girdle main body 10 ...” (emphasis added)). Further, the specification, for example, describes that the “tightening portion” as: being provided “so as to form a constituent of the garment itself”; being “formed through power change in a single piece of knitted fabric”; and being configured so that it is “‘attached onto the fabric of the main body of the garment’; ... ‘sewed together with the fabric of the main body of the garment;’ and ... ‘the power is changed in a single piece of knitted fabric.’” *See* Specification, ¶¶[0013], [0016], [0022], [0058], and [0075].

It is respectfully submitted that these descriptions of “integrated” and the “tightening portion” provide sufficient antecedent basis for the claimed subject matter. Withdrawal of the objection to the specification is respectfully requested.

### **Rejection Under 35 U.S.C. §112**

Claims 1-20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the claims were rejected on the assertions that: (1) the term “integrated” was not disclosed in the specification, and therefore was not clear; (2) claims 1-20 have not claimed the main support garment structure; (3) it was not clear what “an area” encompassed; and (4) it was not clear whether the body portions described were of the garment or of the wearer.

With respect to the assertion that the term “integrated” was not disclosed in the specification, Applicants respectfully disagree. As discussed above, the term “integrated” was disclosed in the specification, and the “tightening portion” was sufficiently described in the specification to enable one of ordinary skill in the art to comprehend the meaning of the term “integrated.”

With respect to the assertion that claims 1-20 do not claim the main support garment structure, independent claims 1 and 3 have been amended to address this assertion. Specifically, claims 1 and 3 have been amended to recite a lower abdomen portion, a hip portion, and a crotch portion. Support for these amendments may be found, for example, in Paragraph [0054] of the specification. No new matter has been added.

With respect to the assertion that it was not clear what the term “an area” encompassed, claims 1-3 and 13 have been amended to address this assertion. No new matter has been added.

With respect to the assertion that it was not clear whether the body portions described were of the garment or of the wearer, claims 1-8 and 13-17 have been amended to address this assertion. No new matter has been added.

Withdrawal of the rejection of claims 1-20 under 35 U.S.C. §112, second paragraph, is respectfully requested.

### **Rejection Under 35 U.S.C. §102**

Claims 1-20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,109,546 to Dicker (“Dicker”).

Independent claim 1 recites a crotch-possessing corrective garment including integrated tightening portions with one integrated tightening portion extending from “a vicinity of an upper part of the buttocks cleft, passing vicinities of upper parts of the right and left buttocks, to vicinities of the right and left greater trochanters,” and has been amended to recite that the tightening portions “exert a greater compression tightening force on respective body areas of the wearer than other portions of the garment.” It is respectfully submitted that Dicker does not suggest or disclose at least these features of the presently claimed invention.

Dicker describes an exercise suit having a leg band 42. The leg band 42 is linearly attached to the pants and spirally encircles each pant leg 24. *See* Dicker, col. 4, lines 34-35. The Examiner asserts that the leg band 42 of Dicker is comparable to the integrated tightening portion of the presently claimed invention. Applicants respectfully disagree.

First, the reinforcing segment 38 of Dicker merely transmits the resistive force of the leg band 42, and is not a “tightening portion” as recited in claim 1. As the Examiner even notes, the leg band of Dicker “tightens the leg extension ability.” In contrast, the various tightening portions of the presently claimed invention exert a “compression tightening force on respective body areas of the wearer.”

Further, the tightening portion of the presently claimed invention is an integral portion of the garment. As described in the specification, the integral construction, for example, makes it so that the tightening portions may “form a constituent of the garment itself” or may be “formed through power change in a single piece of knitted fabric.” *See* Specification, ¶¶[0013], [0016], and [0022]. In contrast, the leg band 42 of Dicker is a discrete band that is separate from the described exercise suit and is retained by loops 33. *See* Dicker, Figure 7; and col. 4, lines 49-53.

Finally, neither the reinforcing segment 38 nor the leg band 42 of Dicker extends from the “buttocks cleft” to the “greater trochanters,” as recited in claim 1 of the present application. This configuration is shown, for example, in Figures 9A and 9B, and described on p. 16-17, Paragraph [0064] of the Specification. The reinforcing segment 38 merely extends horizontally around the waist of the wearer, and the leg band 42 extends nearly vertically down the center of each buttock. *See* Dicker, Figure 5.

Since Dicker does not disclose each and every feature of the independent claim 1, Dicker cannot anticipate independent claim 1, or dependent claims 2 and 4-12. Withdrawal of the rejection of independent claim 1, and dependent claims 4-12, under 35 U.S.C. §102(b) based on Dicker is respectfully requested.

Independent claim 3 has been amended to recite features similar to those described above with respect to claim 1. Thus, for at least the reasons described above, Dicker cannot anticipate claim 3. Withdrawal of the rejection of independent claim 3, and dependent claims 13-20, under 35 U.S.C. §102(b) based on Dicker is respectfully requested.

**CONCLUSION**

In view of the foregoing, it is believed that each of the pending claims is in condition for allowance, and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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